

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Case No. 06-0036-01-CR-W-SOW
)
)
LARRY D. WILLS,)
)
)
Defendant.)

REPORT AND RECOMMENDATION

On January 26, 2006, the Grand Jury returned a six count indictment against defendant Larry Wills. Counts One, Two and Three charge that defendant filed false claims with the Internal Revenue Service for tax refunds. Counts Four, Five and Six allege that the defendant filed false tax returns.

On February 23, 2006, counsel for the defendant filed a motion pursuant to 18 U.S.C. § 4241(a) asking for a determination of defendant's mental competency. Defense counsel filed this motion based upon her conferences with the defendant. Accordingly, the Court ordered an examination prior to conducting a hearing on the defendant's motion. On September 15, 2006, the Court held a hearing on the motion to determine competency. The parties stipulated to and offered into evidence portions of the report prepared by Dr. Logan.

The report concluded that the defendant did not show evidence of a mental disease or defect which would render him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense. (Psychiatric Evaluation at 11) Therefore, based on the information before the Court, it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order finding that defendant Larry Wills is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his own defense and that he is competent to stand trial.

Counsel are reminded they have ten days from the date of the receipt of a copy of this Report and Recommendation within which to file and serve objections to same. A failure to file and serve timely objections shall bar an attack on appeal of the factual findings in this Report and Recommendation which are accepted or adopted by the district judge, except on grounds of plain error or manifest injustice.

/s/

SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE